REMARKS

Status of Claims

Claims 1 and 8 have been amended. Claims 2-7 and 9 have been cancelled. Accordingly, Claims 1 and 8 are currently pending in this application. Reconsideration of the application is respectfully requested.

Applicants' Response to Rejection under 35 U.S.C. §102 over Lin

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,340,734 to Lin et al. (hereinafter "Lin"). Applicants respectfully request reconsideration on the basis that Lin fails to disclose each and every element of Applicants' claims, as amended herein.

The Examiner asserts that:

> Although the bulk of Lin's disclosure is directed to silsesquioxane polymers wherein aromatic ring bearing an alkali-soluble group is bonded to silicon via a C_2 or higher alkyl, it is nonetheless, now observed that an equivalent polymer is described in column 8, lines 55-57 as an alternative to the novel polymers that represent Lin's invention. Of course, hydroxybenzylsilsesquioxane/phenylsilsesquioxane copolymers having a molecular weight similar to that of the aforementioned inventive silsesquioxane would be desired (column 6, lines 7-10) as would be a similar ratio of the units carrying alkali soluble groups to those devoid of alkali soluble groups (column 6, lines 5-7).
>
> (Office Action dated 7/11/2006, at page 2).

Applicants have amended independent claims 1 and 8 herein to further define the invention. In particular, Applicants have added a recitation in claims 1 and 8 that requires a molar ratio of 5:5 to 8:2 for the units (a1) and (a2). This amendment is supported by disclosure

appearing on page 10 and in Example 1 on page 29 of the specification as originally filed. Specifically, Example 1 states, "the resin obtained in Preparation Example (a copoly(p-hydroxybenzyl/phenyl-silsesquioxane) comprising a p-hydroxybenzylsilsesquioxane unit and a phenylsilsesquioxane unit in a molar ratio of 70:30." The molar ratio of the p-hydroxybenzylsilsesquioxane, which corresponds to unit (a1), to the phenylsilsesquioxane, which corresponds to (a2), falls within the claimed range of 5:5 to 8:2. As seen in the Example, such molar ratio provides advantageous positive resist compositions. Lin fails to teach, suggest or disclose a polysiloxane resin using the recited components in a molar ratio of 5:5 to 8:2 for the units (a1) to (a2).

In view of the above, nowhere in Lin is a polysiloxane resin which consists of the claimed components (a1) and (a2) in the specified ratio disclosed, taught or suggested. Therefore, claims 1 and 8 are patentable over Lin. Withdrawal of this rejection is respectfully requested.

Applicants' Response to Rejection under 35 U.S.C. §102 over Japanese Patent No. 2567984

Claims 1, 6, 8 and 9 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Applicants' apparent admission that this polymer has been taught by Japanese Patent No. 2567984 (hereinafter "JP 2567984"). Applicants respectfully request reconsideration on the basis that JP 2567984 fails to disclose each and every element of Applicants' claims, as amended herein.

At the outset, Applicants would like to point out that the Examiner appears to have made a preliminary rejection even though an English translation of JP 2567984 has not yet been obtained. As stated in the Office Action,

> It is conceived that, in fact, the patent may only provide mention of a similar synthetic approach, but use different monomer materials. The Examiner has requested a copy of this document and will have its contents translated so as to confirm the validity of this rejection.
>
> (Office Action of July 11, 2006, at page 2-3).

Notwithstanding the fact that the validity of this rejection has not been confirmed, our Japanese associates have reviewed JP 2567984. They have informed us that although Ingredient (A) was prepared according to the method of JP 2567984, the structure of the copolymer in JP 2567984 differs from that of the presently claimed invention. In particular, Applicants claim a copolymer unit which claims phenyl groups, whereas JP 2567984 discloses a copolymer unit with benzyl groups.

In view of the above, nowhere in JP 2567984 is a polysiloxane resin which consists of the claimed components (a1) and (a2) in the specified ratio disclosed, taught or suggested. Therefore, claims 1 and 8 are patentable over JP 2567984. Withdrawal of this rejection is respectfully requested.

Having responded in full to the present Office Action, it is respectfully submitted that the application is in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if

any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,

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